



TECH CENTER 1600/2900

FEB 14 2003

RECEIVED

Applicants maintain that the Examiner has not established a prima facie case for restriction under 35 USC 121 based on distinctness. An Examiner may require restriction based on distinctness if 1) each distinct invention has a separate classification in the patent classification system, 2) each distinct invention has a separate status in the art, or 3) a different field of search is necessary for each distinct invention.

The Examiner indicates that inventions I, V, VI and VII are classified in class 546. Since the classification is the same and the field of search is the same, and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among this subject matter. The Examiner also indicates that inventions II-IV are classified in class 436. Since the classification is the same and the field of search is the same, and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among this subject matter.

Applicants maintain that the methods of group III (Claims 5-9) for characterizing the activity of a test compound as an I_{Kr} channel blocker using membranes containing the I_{Kr} channel and a selected radioligand, and group IV (Claims 10-27) for assessing the binding of a test compound to a membrane containing the I_{Kr} channel using the same selected radioligand and same membrane, are related and not distinct, since they are capable of use together and have a similar mode of operation. These claims should be examined together.

In order to completely reply to this restriction requirement, applicants elect, with traverse, group IV, Claims 10-27, drawn to methods of assessing the binding of a test compound to a membrane containing the I_{Kr} channel.

Respectfully submitted,

Date: February 6, 2003

Richard S. Parr
Attorney for Applicants
MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
Tel.: (732) 594-4958